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## **STENEHJEM JOINS BRIEF TO PROTECT FAMILIES OF FALLEN SOLDIERS**

BISMARCK –Attorney General Wayne Stenehjem has joined the State of Kansas in an amicus brief to the United States Supreme Court in support of the family of Marine Lance Corporal Matthew Snyder, in the case of Snyder v. Phelps. The Fourth Circuit Court of Appeals recently reversed a District Court decision in favor of the Snyders.

“When a son has given his life in service of his country, his family has the right to mourn him in private, to offer their final tributes in peace, and to bury him with the dignity and respect he has earned. The Snyders were robbed of this right by a group of misguided zealots,” said Stenehjem. “Many states, including North Dakota, have laws prohibiting people from targeting and harassing families at funerals, but the Fourth Circuit’s decision now puts these laws in jeopardy.”

Matthew Snyder was killed in Iraq in March 2006. His grieving family planned a private funeral service in their hometown in Maryland. Fred Phelps and members of the extremist Westboro Baptist Church traveled from Kansas to picket the family’s private funeral service. They sent out an advance flyer of their intent, describing the funeral as “the burial of an ass.” At the funeral, this radical group stood at the main entrance of the Church carrying signs proclaiming “Thank God for Dead Soldiers” and other repugnant messages. Phelps’ harassment continued after the funeral, when he posted a document on the internet containing statements attacking the Snyder family and their son’s honorable service to his country.

Albert Snyder, Matthew’s father, filed a civil lawsuit against Phelps for intentional infliction of emotional distress and invasion of privacy. A jury sided with Snyder, and Phelps was ordered to pay \$5 million. Phelps appealed his case to the Fourth Circuit Court of Appeals, which reversed the district court on the ground that Phelps and the Westboro Baptist Church members were protected by the First Amendment, and ordered Snyder to pay Phelps’ costs. The US Supreme Court has agreed to review the Fourth Circuit’s decision.

“Everyone understands that the 1<sup>st</sup> Amendment guarantees the right to freedom of speech. But the Appellate Court ignored the fact that the 1<sup>st</sup> Amendment also guarantees other rights, including the right of grieving families to exercise their religious freedom, and their right to peaceably assemble, unmolested by protesters whose only purpose is to deprive them of those freedoms,” said Stenehjem.

North Dakota is one of thirteen states that have already joined in support of Kansas Attorney General Steve Six. More states are expected to join before the June 1<sup>st</sup> deadline for filing the amicus brief.